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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,753	08/25/2003	Keith Adamson	01-3289-09	3741
7590	02/08/2005			EXAMINER BARNEY, SETH E
John E. Wagner, Esq. LAW OFFICES OF JOHN E. WAGNER 3541 Ocean View Boulevard Glendale, CA 91208			ART UNIT 3752	PAPER NUMBER

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,753	ADAMSON ET AL.	
	Examiner	Art Unit	
	Seth Barney	3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,6-9,12,14-16,18,20,22 and 24-27 is/are rejected.
- 7) Claim(s) 5,10,11,13,17,19,21,23 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/25/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement appears to have a typo. U.S. Patent No. 5,165,422 should be –5,165,442--. The appropriate document has been considered and is included on the PTO-892 form.

Claim Objections

2. Claim 10 is objected to because of the following informalities: There appears to be a typo in line 2 of the claim. “foam solution metering conduit” should be --foam solution conduit-- for appropriate antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3, 7-9, 12, 14-16, 18, 20, 22, 24, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. Re. 36,196 to Eberhardt.

Regarding claims 1,12,18, 20, and 26 Eberhardt discloses a fire fighting system having:

- a primary fluid conduit (104)
- a source of fluid (See "water in" of Figure 4)
- a pump connected to the source (12)
- an engine (11)
- a foaming agent reservoir (120)
- a proportioning apparatus including differential pressure valve (15, further disclosed in U.S. Patent No. 4,633,895 to Eberhardt)

-an air compressor (13)

Eberhardt does not disclose separate engines for the air compressor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use separate engines for each process in order to save power by turning one engine off when one of the processes are not in use.

Eberhardt does not disclose the use of air metering valves. U.S. Patent No. 5,009,244 to Grindley et al. discloses a fire fighting foam-mixing system having an air-metering valve (16). It would have been obvious to one having ordinary skill in the art at

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the time the invention was made to modify the fire fighting system of Eberhardt with the metering valve of Grindley in order to appropriately allow for desired flows of air and water.

Regarding claim 2, Eberhardt does not disclose a flexible bladder. Grindley discloses a flexible bladder in containing the foaming agent. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fire fighting system of Eberhardt with the bladder of Grindley in order to properly respond to pressure.

Regarding claim 3, the proportioning apparatus includes a valve (20 of '895) in between the foaming agent reservoir and the differential pressure valve. See '895.

Regarding claims 7, 14, and 27 Eberhardt discloses the use of the fire fighting system on a fire truck (200). It is well known in the art that fire trucks have reels for stowing the fire hoses. Furthermore, a pick up truck transporting a fire fighting system is considered a fire truck.

Regarding claims 8,15, and 22, Eberhardt discloses that the suction (100) to the fire pump is adapted to be connected to a water supply that could be a hydrant or a tank. See Column 5 lines 39 to 40. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fire fighting apparatus of Eberhardt with a control valve in order to securely change the water source as necessary.

Regarding claims 9, 16, and 24 see column 5 lines 64 and 65.

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6. Claims 4, 6, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. Re. 36,196 to Eberhardt as applied to claim 1 above, and further in view of U.S. Patent No. 6,009,953 to Laskaris et al.

Eberhardt does not disclose a control panel for controlling the metering valve to allow for selecting a desired proportion of foaming agent. Laskaris discloses a fire fighting apparatus having a control system (55, 55', and 55'') to selectively control the proportion of chemical foam to water or other fluid flowing through the conduit. See Column 7 lines 34 to 36. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fire fighting system of Eberhardt with the controls of Laskaris in order to conveniently control the flow of water, foam, or air. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have key operated switches for each engine as a safety precaution. Additionally, while not expressly stated by Laskaris it is an inherent property of control devices to as many controls as necessary.

Allowable Subject Matter

7. Claims 5, 10, 11, 13, 17, 19, 21, and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. Re. 35,362 to Arvidson et al. discloses a fire-fighting apparatus having an air compressor, foam tank, and water pump. U.S. Patent 6,725,940 to Klein et al. discloses a foam additive system for fire fighting vehicles having a foam tank. U.S. Patent No. 6,6766,863 to Arvidson discloses a fire fighting system having a foam tank, water pump, and several motors. U.S. Patent No. 6,357,532 to Laskaris et al. discloses a compressed air foam system having a foam tank, an air compressor, and a water source. U.S. Patent No. 6,733,004 to Crawley discloses a foam generating apparatus having a foam tank, a compressed air supply, and a water supply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seth Barney whose telephone number is (571)272-4896. The examiner can normally be reached on 7:30am-5:00pm (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571)272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seth Barney
Examiner
Art Unit 3752

SB



David A. Scherbel
Supervisory Patent Examiner
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